

Congressman Mark Kirk
Rule Committee Testimony on HR 4975
March 30, 2006

Thank you, Chairman Dreier for holding this hearing, and your efforts on this lobbying reform legislation. I am here this morning to testify on one portion of this bill, Congressional Pensions for Members of Congress convicted of felonies. I feel strongly that taxpayers should not be responsible for funding the pension of one of us if we have broken the law, broken the public's trust, and been convicted of a felony.

I would like to particularly thank the Chairman for incorporating a large portion of a bill I introduced, H.R. 4535, The Congressional Integrity and Pension Forfeiture Act, in Committee's larger bill, H.R. 4975 being discussed today.

First, I would like to discuss the bill I introduced last December. I based my bill almost exclusively after Congressman Randy Tate's bill from the 104th Congress, H.R. 4011. This bill, with 74 co-sponsors, passed the House of Representatives on September 27, 1996 by a vote of 391-32 and 1 Present. It was never considered by the Senate.

The very first version of this bill was introduced by my predecessor, Congressman John Edward Porter, in 1990 during the 101st Congress. Congressman Porter had successfully passed a similar bill in the Illinois General Assembly prior to coming to the U.S. Congress. In the mid-1970s, two Members of the Illinois General Assembly were convicted of felonies, resigned, but were still allowed to receive their State Pension. State Representative John Porter did not think that was right. Luckily, his bill passed the Illinois General Assembly and reform began.

It is unbelievable that an elected official be permitted to draw a publicly funded pension after violating the very law he or she took an oath to uphold. Elected officials should be held to a higher standard than others. We swore to uphold the constitution and if we fail to do that, we should not receive anything back from the public. A breach of law by a Member of Congress is a very serious offense that should have very serious consequences.

As I mentioned, changes were made from H.R. 4535 which I wanted to highlight this morning. The compressive bill includes only three offenses which would be included: bribery of public officials and witness; officers and employees acting as foreign principals; and conspiracy to commit offense or to defraud the United States. My bill, H.R. 4535 has a list of 22 crimes which if convicted of, would result in the lose of a Congressional Pension. While my bill includes the three offenses also included in Chairman Dreier's bill, there are 19 other offenses which this bill also contains, including crimes around political solicitation (597, 599, 602, 606, 607, 641), mail fraud and wire fraud (1341, 1342), making false statements (1001) and the Travel Act which has been used to convict people of crossing state lines to crime bribery.

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I am encouraged that the Chairman has include the most serious of these crimes. However we must insure that Members of Congress uphold the highest of all ethical standards. While this draft bill is an excellent start, I hope the Committee will consider broadening the crimes includes and strengthening the bill.

Again, my bill, with all of these crimes included has already passed the House of Representatives. I think it is important that we hold ourselves to the highest possible standard.

Thank you again for allowing me to join in this very important hearing. And I wish the committee the best of luck as it moves to mark-up legislation on this issue.